

# PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: TMT Properties, Inc.  
DOCKET NO.: 05-01994.001-C-3  
PARCEL NO.: 18-1-14-26-00-000-005.005

The parties of record before the Property Tax Appeal Board are TMT Properties, Inc., the appellant, by attorney Vickie J. Cochran of Roberts, Perryman, Bomkamp & Meives, P.C., St. Louis, Missouri; the Madison County Board of Review; and the City of Edwardsville, intervenor, by attorney David J. Gerber of Edwardsville.

The subject property consists of a 22.39 acre tract improved with a 361,826 square foot warehouse building with a clear ceiling height of 40 feet. The building is approximately three years old. The property is located in Edwardsville, Chouteau Township, Madison County.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted an equity analysis using six assessment comparables. At the scheduled time, date (9:00 AM, December 4, 2007) and place of the hearing the appellant did not appear before the Property Tax Appeal Board pursuant to the hearing notice sent to the parties of record on October 30, 2007. The appellant's counsel by fax transmission dated December 3, 2007, informed the Property Tax Appeal Board that the appellant would not be appearing at the scheduled hearing and elected to tender its appeal on the basis of the arguments, materials, and other written and documentary evidence which the appellant had previously submitted.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$4,642,770 was disclosed. In its submission the board of review also requested a hearing. To demonstrate the subject's assessment was equitable, the board of review submitted an analysis prepared by Barry T. Loman a State Certified General Real Estate Appraiser. Loman was present at the hearing and

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Madison County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$ 427,650
IMPR.:	\$ 4,215,120
TOTAL:	\$ 4,642,770

Subject only to the State multiplier as applicable.

identified Board of Review Exhibit No. 1 as the analysis he prepared. Based on his analysis Loman was of the opinion the subject's assessment was equitable. At the hearing the board of review's representative requested the appellant be found in default for failing to appear at the hearing and further requested the assessment be confirmed based on the analysis prepared by Loman.

The intervenor appeared at the scheduled hearing by counsel and joined in the board of review's motion to find the appellant to be in default and requested the assessment be confirmed.

After hearing the testimony and considering the evidence the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds a reduction in the subject's assessment is not warranted.

The Board initially finds the appellant to be in default for the failure to appear at the scheduled hearing before the Property Tax Appeal Board. The Board finds the appellant did not timely request that the decision be made without an oral hearing nor did the appellant have the agreement of the other parties to the appeal to forego the scheduled hearing. Additionally, the Property Tax Appeal Board had not granted the appellant's request to not appear at the scheduled hearing. Section 1910.69(b) of the rules of the Property Tax Appeal Board provides in part that:

When a hearing as provided in Section 1910.67 of this Part, . . . is ordered by the Property Tax Appeal Board, all parties shall appear for the hearing . . . on the date and at the time set by the Property Tax Appeal Board. Failure to appear on the date and at the time set by the Property Tax Appeal Board shall be sufficient cause to default that party. (86 Ill.Adm.Code 1910.69(b)).

In this appeal the Board further finds the board of review requested a hearing. Section 16-170 of the Property Tax Code (35 ILCS 200/16-170) and section 1910.67(b) of the rules of the Property Tax Appeal Board (86 Ill.Adm.Code 1910.67(b)) both provide that a hearing shall be held at the request of any party. Therefore, based on the request filed by the board of review, the Board finds a hearing was required in this appeal. Based on this record the Property Tax Appeal Board finds the appellant to be in default for the failure to appear at the scheduled hearing.

The Board further finds the equity analysis presented by the board of review supports the assessment of the subject property and no reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: January 25, 2008



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the

session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.